

REMARKS

The Office Action dated September 28, 2007, has been received and carefully considered. In this response, claim 106 has been amended and claim 107 has been cancelled without prejudice. No new matter has been added. Entry of the amendments to claim 106, and the cancellation of claim 107 without prejudice is respectfully requested. Reconsideration of the outstanding objections/rejections in the present application is also respectfully requested based on the following remarks.

I. THE ALLOWANCE/ALLOWABILITY OF CLAIMS 1-88, 107, 142-147, AND 172-175

Applicant notes with appreciation the indication on page 5 of the Office Action that claims 1-88, 142-147, and 172-175 are allowed. Applicant notes with equal appreciation the indication on page 5 of the Office Action that claim 107 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As discussed in more detail below, claim 106 has been amended to include the limitations of claim 107, and thus should now be allowable. Acknowledgment of same is respectfully requested.

II. THE OBVIOUSNESS REJECTION OF CLAIM 106

On pages 2-4 of the Office Action, claim 106 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Gitlin et al. (U.S. Patent No. 5,191,462) in view of Hirata et al. (U.S. Patent No. 6,417,700). This rejection is hereby respectfully traversed.

Regarding claim 106, the Examiner again acknowledges that Gitlin et al. fails to disclose a threshold generating circuit to establish the selected threshold level, the threshold generating circuit establishing the selected threshold level at a first threshold level if a mode select signal is in a first state, and establishing the selected threshold level at a second threshold level if the mode select signal is in a second state, as claimed. However, the Examiner now asserts that Hirata et al. discloses such a threshold generating circuit, and thus it would have been obvious to modify the teachings of Gitlin et al. in view of the teachings of Hirata et al. to arrive at the claimed invention. Applicants respectfully disagree for at least the reasons discussed in Applicants' Response filed on April 16, 2007. However, in order to forward the present application toward allowance, Applicants have amended claim 106 to include the limitations of claim 107, which the Examiner has indicated as being allowable. Accordingly, is it respectfully submitted that claim 106, as amended, is allowable over Gitlin

et al. in view of the teachings of Hirata et al.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claim 106 be withdrawn.

III. THE OBVIOUSNESS REJECTION OF CLAIMS 108 AND 109

On pages 4-5 of the Office Action, claims 108 and 109 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gitlin et al. (U.S. Patent No. 5,191,462) in view of Hirata et al. (U.S. Patent No. 6,417,700) and further in view of Popplewell et al. (U.S. Patent No. 6,304,071). This rejection is hereby respectfully traversed.

It is respectfully submitted that the aforementioned obviousness rejection of claims 108 and 109 has become moot in view of the deficiencies of the primary references (i.e., Gitlin et al. and Hirata et al.) as discussed above with respect to amended independent claim 106. That is, claims 108 and 109 are dependent upon amended independent claim 106 and thus inherently incorporate all of the limitations of amended independent claim 106. Also, the secondary reference (i.e., Popplewell et al.) fails to disclose, or even suggest, the deficiencies of the primary references as discussed above with respect to amended independent claim 106. Indeed, the Examiner does not even

assert such, but instead indicates that amended independent claim 106 should be allowable. Thus, the combination of the secondary reference with the primary references also fails to disclose, or even suggest, the deficiencies of the primary references as discussed above with respect to amended independent claim 106. Accordingly, claims 108 and 109 should be allowable over the combination of the secondary reference with the primary references at least by virtue of its dependency on amended independent claim 106. Moreover, claims 108 and 109 recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 108 and 109 be withdrawn.

IV. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the

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present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

Hunton & Williams LLP

By:

Thomas E. Anderson
Registration No. 37,063

TEA/vrp

Hunton & Williams LLP
1900 K Street, N.W.
Washington, D.C. 20006-1109
Telephone: (202) 955-1500
Facsimile: (202) 778-2201

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